

INDONESIAN MUSLIM WOMEN VOICES OF DOMESTIC VIOLENCE

(A Reflection from Hadis Perspective)

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Abstract: This article deals with *hadis* perspective on Indonesian muslim women voices of domestic violence. It is found that domestic violence do happen in Indonesia. A number of factors contributing to domestic violence are challenging men's power and authority which include advising men to adhere to religious and cultural values and norms such as abstaining from alcohol, not having affairs, seeking employment, responding to a man's anger or accusation during an argument. Women's attempt to guide men or to negotiate with them seem to undermine men and threaten their designated position in the family ascribed by society. Other factors are infidelity in marriage and polygamy, gender division of labour, financial issues and alcohol. Domestic violence is not justifiable even in the Qur'an.

Introduction

My husband often got angry and hit me if I or my children went out without his consent. One day he hit me using a piece of wood (*balo-balo*). He also kicked me after I asked him not to drink alcohol. Now, I have a permanently broken knee...I feel so angry. This hurts but I

cannot do anything, and I am scared he may kill me. I just put up with it.¹

This is an abused woman's voice in Indonesia where domestic violence issues have only been publicly discussed since democratisation began in 1998. In Indonesia, as stipulated in Domestic Violence Law No. 23 of 2004, domestic violence is defined as 'any action of force or threat that is against the law by any members of a family which has a significant impact on a person's health and well being, particularly that of women'.² The definition of domestic violence used in this study encompasses the use of force, threats or restrictions placed on women by men as well as emotional, economic and sexual dimensions of abuse against women by husbands. Domestic violence is not limited to physical violence.

Survivors often felt that such violence was 'their fault', or they were blamed by others, and were 'passive' or 'powerless' in addressing the violence because it was considered a 'private' or 'family' matter.³ Unwillingness to disclose violent experiences was common due to pressure to maintain family honour (*siri*), and preserve the family structure for the sake of children, and the belief that it was inappropriate to disclose a husband's violence publicly. Since 1998, the beginning of the reformation

¹Author's Interview with a survivor of domestic violence, S 03, in Makassar (04 March 2004). I will use codes 'S' followed by numbers to indicate survivors.

²See: Ministry for Women's Empowerment website, viewed 12 October 2004, http://www.menegpp.go.id/cgi-local/show_db.cgi?1097038251

³RS Kalibonso, 'Kekerasan Rumah Tangga Mencapai 70 Persen' [Domestic Violence Reaches About 70 Percent], *Kompas*, [the National newspaper], 05 October 2002; See also: F Irdianto, 'Kekerasan Terhadap Istri dan Respons Masyarakat [Domestic Violence and Community Response]' in AN Abrar and W Tamtari (eds.) *Konstruksi Seksualitas: Antara Hak dan Kekuasaan* [Sexual Construction: Between Rights and Power], Pusat Penelitian Kependudukan Universitas Gajah Mada, Yogyakarta, 2001, p. 57

era, a more open arena for public discussion has emerged on 'sensitive' political issues allowing critiques of government policies, and the question of violence against women, particularly domestic violence has been raised. Women's NGOs, activists and academics have focused public attentions on violence against women, including domestic violence, arguing that it should be seen as a social, political and legal issue, as it is in countries such as Australia, the United States and the United Kingdom.⁴ As a result of these campaigns, the Indonesian government under female Presidency, Megawati Sukarno Putri, enacted Domestic Violence Law No. 23 of 2004. Prior to this, domestic violence was largely considered a private matter, and a product of social and cultural factors.

Numerous studies on domestic violence in Indonesia have been conducted. Hakimi and colleagues (2001) carried out a study on domestic violence in Purwokerto (Central Java), focusing on the implications for women's health, particularly that of pregnant women.⁵ In Solo (Central Java), Suparno and Ratih (2002) examined factors contributing to domestic violence, including assessing perpetrators' attitudes, the role of early or arranged marriage, and unemployment.⁶ Pratyowati (2003) conducted a similar study in Wirobrajan Yogyakarta (Central Java), identifying the nature of domestic violence, and

⁴ MA Dutton & EE Gondolf, 'Wife Battering', in RT Ammerman & M Hersen (eds.) *Case Studies in Family Violence*, 2nd edn., Kluwer Academic, New York, 2000, p. 323

⁵ M Hakimi, E Nurhayati, Utari, A Winkvist & MC Ellsberg, *Membisu Demi Harmoni: Kekerasan Terhadap Istri dan Kesehatan Perempuan di Jawa Tengah Indonesia* [Silence for Harmony: Domestic Violence and Women's Health in Central Java Indonesia], LPKGM-FK-UGM, Yogyakarta, 2001, pp. 53-77

⁶ I Suparno & A Ratih, *Persepsi, Pengetahuan Perempuan dan Gambaran Situasi Kekerasan Terhadap Istri* [Women's Perception and Understanding on Domestic Violence and its Conditions], SPEK-HAM, Solo, 2002, pp. 6-51

detailing women's responses to it.⁷ A most recent work by Rika Saraswati (2006) considered solutions to domestic violence, mainly from a legal perspective, in Semarang and Yogyakarta. She shows that women are reporting cases to police or other criminal institutions as they become more aware of their legal rights, and community acceptance of domestic violence reduces. Conventional approaches to address violent behaviour, through the intervention of family, community elders or friends continue.⁸ These studies, although limited to medical or legal approaches, provide useful understandings of the nature of domestic violence.

In South Sulawesi, several scholars have contributed to a broader understanding of domestic violence. Andi Baso *et al* (2002) considered all forms of violence against women, including rape perpetrated by non family members, and domestic violence in different ethnic groups in South Sulawesi, namely Bugis, Makassar, Toraja and Mandar.⁹ Idrus and Bennett (2003) use an ethnographic approach to marital violence, finding that 'poverty, unemployment, unequal economic status between spouses, substance abuse and female infertility' are significant contributors to violence in marriage. They also suggest that factors such as 'state and religious ideologies, and the hegemonic cultural construction of sexuality, gender and *siri*' play an important role in legitimating domestic

⁷ S Prastyowati, 'Tindakan Kekerasan terhadap Perempuan dalam Rumah Tangga' [Domestic Violence Cases], *Media Informasi Penelitian* [Research Information], no.174 (April-Juni), 2003., pp. 64-72

⁸ R Saraswati, *Perempuan dan Penyelesaian Kekerasan dalam Rumah Tangga* [Women and Solutions for Domestic Violence], PT. Citra Aditya Bakti, Bandung, 2006, pp. 58-88.

⁹ Z Andi Baso, AD Tina, S. Haerani & A Rahman, *Kekerasan Terhadap Perempuan: Menghadang Langkah Perempuan* [Violence Against Women: Challenges for Women], Pusat Studi Kependudukan dan Kebijakan Universitas Gajah Mada, Yogyakarta, 2002, pp. 25-135

violence,¹⁰ without providing detailed explanations of how structures produce domestic violence.

It is clear that domestic violence is a violation of the fundamental human rights of women and contravenes international and national conventions and laws. Internationally, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979 condemned any action that may lead to the disempowerment, discrimination and disadvantage of women.¹¹ In 1993, the United Nations officially launched the International Human Rights Standards document with respect to violence against women. The Beijing Declaration of 1995 outlined 12 Platforms for Action, including one specifically dealing with violence against women.¹² Nationally, domestic violence is against Domestic Violence Law No. 23 of 2004.

In Indonesia, a national survey on violence against women and children undertaken by the National Statistics Bureau and the Ministry for Women's Empowerment (2006)

¹⁰ NI Idrus & LR Bennett, 'Presumed Consent: Marital Violence in Bugis Society', in L Manderson and LR Bennett (eds.) *Violence Against Women in Asian Societies*, Routledge Curzon, London, 2003, p. 58; See also: NI Idrus, 'Marital Rape: Kekerasan Seksual dalam Perkawinan' [Marital Rape: Sexual Violence in Marriage], *Seri Laporan*, No. 88, Pusat Penelitian Kependudukan Universitas Gajah Mada, Yogyakarta, 1999, pp. 43-87

¹¹ CEDAW consists of a preamble and 30 Articles as an agenda for action to eliminate gender discrimination. Division for the Advancement of Women United Nations, 'Overview of the Convention', viewed 03 August 2007, <http://www.un.org/womenwatch/daw/cedaw/index.html>

¹² The 12 Platforms for Action are: 'women and poverty; education and training for women; women and health; violence against women; women and armed conflict; women and the economy; women in power and decision-making; institutional mechanism for the advancement of women; human rights of women; women and the media; women and the environment; and the girl-child'. See: Division for the Advancement of Women United Nations, Fourth World Conference on Women, viewed 03 August 2007, <http://www.un.org/womenwatch/daw/beijing/platform/index.html>

shows that 2.3 million (or about 3.1 percent) women have experienced violence. Approximately 68 percent occurred in the family home, which shows the extent of domestic violence.¹³ This is a significant increase compared to that of a survey undertaken in 2001. According to a report by the National Commission for Women (2001), there were only 3169 cases of domestic violence in 14 cities. Most of these (approximately 40 percent) were related to domestic violence.¹⁴ At a local level, the Rifka Annisa Women's Crisis Centre Yogyakarta documented 234 cases of wife abuse in 2001, a significant increase. Numbers have remained relatively static since then, with 210 women reporting violence in 2003, 238 in 2004 and 226 in 2005.¹⁵ In addition, NGOs, 'Integrated Services' (PPT) and Women's Police Desk (RPK) in Makassar show that the number of women reporting domestic violence dropped from 49 in 2002 to 30 in 2003.¹⁶

Moreover, media coverage and reports from NGOs demonstrate that domestic violence is of critical concern in Indonesia compared to other forms of family violence. Stories of husbands who have murdered, set fire to and violated their wives, air regularly on the *Indosiar* television program, *Jejak*

¹³ This survey was conducted in four provincials: North Sumatra, West Java, East Java and South Sulawesi. There were only 100 selected households participated in every province. Eight cities were involved. W Imawan, W Kusdiatmono, N Arniati, M Suanta & E Waryono, *Fasilitasi Penyusunan Data Kekerasan terhadap Perempuan di Daerah Tahun 2006* [National Statistics on Violence against Women 2006], Kementerian Negara dan Pemberdayaan Perempuan & Badan Pusat Statistik [the Ministry for Women's Empowerment and Central Statistics Bureau], Jakarta, 2006, pp. 26-27

¹⁴ N Zulminarni, *Searching For The New Indonesia*, Centre For Women's Resources Development, Jakarta, 2003, p. 115

¹⁵ Saraswati, *op.cit.*, p. 74

¹⁶ Author's interview with coordinator of PPT and RPK, GO 01 and GO 04, in Makassar (11 and 30 March 2004 respectively)

Kasus (Fact Sheets).¹⁷ Domestic violence rates may be higher than the 3.1 percent, cited above particularly when women are reluctant to report it. Various problems are faced by Indonesian women who experience domestic violence. Women are not only the major victims, but they are also blamed for the domestic violence. They are expected to conform to expectations about being a 'good wife' or 'good woman', which is based on social and cultural values and traditions. Thus, many women are reluctant to report their experiences, because family honour is an important cultural construct. Women sacrifice themselves for family and social dignity and are therefore at risk of further violence.

A. Muslim Women Perception on Domestic Violence

Another significant barrier to married women in Indonesia relates to dominant perceptions of what it is to be a 'good' woman or mother. Discourses of family values shape perceptions of motherhood and wifely duty and obedience, meaning that women are castigated if they do not fulfil their 'primary' duties as mothers or wives.¹⁸ Different cultures have different perceptions of what constitutes a 'good' woman, but the concept of the 'good' woman is still an important issue for Indonesian women. Assumption about the 'good' woman includes images of the submissive wife and respectful mother. A good wife is expected to support her husband in his career and to make her husband by being loving, providing emotional

¹⁷ Amongst devastating cases presented in *Jejak Kasus* during 2004 are the case of a member of the Regional Representative Assembly (DPRD) of Jambi (Sumatra) who physically abused his wife, viewed 03 May 2004, http://news.indosiar.com/news_read.htm?id=20742. Another man killed his intimate partner in Yogyakarta, Central Java, viewed 24 May 2004, http://news.indosiar.com/news_read.htm?id=21170. A member of the Armed Forces murdered his wife in a hotel Yogyakarta, viewed 11 October 2004, http://news.indosiar.com/news_read.htm?id=26528. A husband immolated his wife resulting in permanent physical damages in Medan, North Sumatra, viewed 19 November 2004, http://news.indosiar.com/news_read.htm?id=27771

¹⁸ A Oakley, *Gender on Planet Earth*, Polity Press, Cambridge, 2002, p. 107

closeness and companionship. As a 'good' mother, a woman should be able to have children and educate them to be successful.¹⁹ Another version of the 'good' woman is derived from the common perspectives that 'a woman always stays at home raising her children and waiting for her husband to come home'.²⁰ Linda Rae Bennett (2005) further describes good women as 'mothers who confine their sexuality to marriage with the primary intention of child bearing [they] are also chaste, obedient daughters who closely guard their modesty and virginity during maidenhood'.²¹ As a result of this dominant perception, Indonesian women are expected to strive to be good mothers in order to attain social and cultural respect, and to conform to strict codes of appropriate sexual conduct. Such perceptions are sanctioned in legislation and public policy.

There are different perceptions of Makassar women in defining domestic violence. Women activists and religious scholars may differ in their definitions, depending on their observations and experience of working with abused women. Survivors may also define domestic violence in different ways. For example, women activists and religious counsellors provide a very comprehensive understanding of domestic violence. One of the leading women activists offers a broad definition of domestic violence which can be in the form of physical, emotional and economic abuse experienced by any family member including men, women and children within a family unit. This may also include restrictions on the woman's right to have personal freedom, such as time for relaxation. Although she highlights the possibility that men can be survivors of

¹⁹ I Abdullah, 'Dari Domestic ke Publik: Jalan Panjang Pencarian Identitas Perempuan' [From Domestic to Public: Efforts in Seeking Women's Identity] in I Abdullah (ed.) *Sangkan Paran Gender* [The Origin of Gender], Pustaka Pelajar, Yogyakarta, 1997, pp. 6-7

²⁰ HS Sitepu, 'Queen of the Household: An Empty Title' in M Oey-Gardiner and C Bianpoen (eds.) *Indonesian Women: The Journey Continues*, Research School of Pacific and Asian Studies ANU, Canberra, 2000, p. 193

²¹ LR Bennett, *Women, Islam and Modernity: Single Women, Sexuality and Reproductive Health in Contemporary Indonesia*, Routledge Curzon, London, 2005, p. 29

family violence, she insists that women are the major survivors of such violence.²²

Another woman activist defines domestic violence as any violence against women which occurs in the family perpetrated not by a husband or father exclusively, but also by other family members such as uncles and others.²³ This is similar to the opinion from other prominent women's NGOs that domestic violence can be in the form of wife or child abuse. This can be classified into four categories: physical, psychological, economic and sexual violence.²⁴ These understandings are consistent with definitions described in the Indonesian Law No. 23 of 2004 with respect to the Elimination of Domestic Violence, which include any violence against wives or children as well as domestic servants.²⁵

In addition, survivors of domestic violence provide understandings of domestic violence by expressing their feelings about experiences of abuse. Some, particularly well-educated women, define domestic violence based on both their experiences and information accessed through the media. However, some women do not identify their experience in terms of domestic violence because they believe it to be a norm and part of married life. Nevertheless, the vast majority of survivors recognise that domestic violence is any form of physical, emotional, economic abuse against women or a wife, and the elaboration of these types of violence vary. Only two women among the respondents in this study raised the issue of sexual abuse, something that is considered taboo or women

²² Author's interview with WA 01 in Makassar (02 March 2004)

²³ Author's interview with WA 03 in Makassar (09 March 2004)

²⁴ Author's interview with WA 02 in Makassar (03 March 2004)

²⁵ This definition can be found in Article 1 on Domestic Violence Law No. 23 of 2004, viewed 12 October 2004, http://www.menegpp.go.id/cgi-local/show_db.cgi?1097038251

may believe that there is no such thing as sexual abuse within marriage.

According to survivors, physical violence is hitting, slapping, punching, choking or fighting during an argument. The most common forms of physical abuse committed by husbands are using weapons such as a piece of metal or wood (known as *balo-balo*) and slapping. Thus, any physical attack is considered as physical violence. Furthermore, survivors identify psychological abuse as any action which leads to emotional instability, such as threats to physical harm or threats of murder, swearing, and intervention from other family members, accusing others of having affairs, reluctance to share domestic chores, anger or bad temper.²⁶ Other types of emotional abuse include having affairs, polygamy, spitting, being thrown out of home, yelling, undermining and name-calling, including calling women stupid, whores or prostitutes (*sundala*), and useless (*perempuan sia*).²⁷ For the majority of women in this study, the most devastating form of psychological violence as a result of a husband having an affair with another woman or entering unregistered polygamy. As indicated by a survivor's statement: 'cancer may be better than having a polygamous husband'.²⁸ Another woman said: 'I never complain or tell anyone when my husband physically abuses me, but when he engages in a sexual scandal I let others know about that'.²⁹ These shows that lack of marriage commitment of men, name-calling and yelling can be included as psychological violence because it may cause stress or have a psychological impact on women.

²⁶ Author's interview with S 06 in Makassar (08 March 2004), with S 01, S 04 in Makassar (04 March 2004)

²⁷ Author's interview with S 02, S 04 in Makassar (04 March 2004) and S 11 (14 March 2004)

²⁸ Author's interview with S 13 in Makassar (15 March 2004)

²⁹ Author's interview with S 01 in Makassar (04 March 2004)

Another type of domestic violence that survivors identify is economic abuse. This abuse can take the form of reluctance to provide financial support for the family, restrictions on personal spending, financial deprivation or financial control. This kind of violence is related to social factors, including poverty or unemployment, and personal factors such as meanness, or restricting a wife's spending. One abused woman admitted, 'I am not allowed to manage the family budget. My husband keeps questioning how I spent the money if there is not enough to cover bills or food'.³⁰ However, sexual abuse is rarely spoken about, and only two women brought it up, detailing that their husbands had tried to force them to engage in sexual relations, including during menstruation.³¹

An emerging definition of domestic violence given by a female religious scholar is social abuse. This includes isolation, especially when a wife is not allowed to keep in touch with or visit her family without her husband's permission. For instance, one highly educated working woman's husband restricted her visits to her parent's house. The woman turned to a female counsellor for advice. The justification for this restriction, according to her husband, was that religious teachings forbid a wife to go out without her husband's permission. Despite her conservative husband's belief, she chooses to defy him by strategically arranging her family visits during her working hours.³² Although men cite religion to justify controlling their wives the underlying reason for the husband's restrictions on a woman's freedom to communicate with her family is possibly

³⁰ *Ibid*

³¹ Author's interview with S 02 and S 19 in Makassar (15 March and 27 April 2004 respectively)

³² Author's interview with a female religious counsellor, RS 03 in Makassar (18 March 2004)

the fear of being ostracised by the woman's family or of intervention.³³

Communities, particularly survivors of domestic violence, assume that violence is a private matter which does not necessarily require intervention from outsiders. They believe that conflict and disagreement within marital relationships is natural, and as such husbands and wives are expected to resolve their problems within the family or household. It is also believed that speaking about domestic violence to others, even to authorities or women's organisations constitutes *siri'* (shame) which undermines family honour. One survivor stated it was better to keep silent rather than seeking help, because this causes humiliation and for the most part she believed that she deserved it.³⁴ Further, one survivor said that it was the shame of being subject to criticism by others, such as asking 'why did you not screen him more carefully before marriage?' This question often arises especially for women who select their own partner.³⁵ For them, domestic violence is a private matter and should be resolved it privately.

In a similar vein, one employed and highly-educated woman who is the family's main economic provider admitted that she does not expose her experiences of violence but attempts to conceal them because she believes it is a private family matter and a personal problem. Disclosing abuse is embarrassing and the woman is worried about being ostracised by the community that may question 'why do educated people have such problems'.³⁶ Both educated and uneducated women show similar concerns about concealing domestic abuse in order to present an image of family harmony. Due to the high

³³ *Ibid.*

³⁴ Author's interview with S 04 in Makassar (04 March 2004)

³⁵ Author's interview with S 02 in Makassar (04 March 2004)

³⁶ Author's interview with S 06 in Makassar (08 March 2004)

rates of domestic violence in Indonesia,³⁷ it is essential to examine possible reasons for domestic violence in order to comprehensively address it.

B. Factors Contributing to Domestic Violence

Abused Muslim women identify various factors which contributed to their experience of violence. These included challenging men's authority, challenging men's infidelity; disputes about polygamy, financial disputes; domestic labour disputes; leaving home; and alcohol consumption. Challenging a man's power in this context includes women asking their husband to do useful things such as get a job, leading to disputes. In this study, the considerations of contributing factors were similarly weighted in the top three responses: challenging men's supremacy (25.8 %), and infidelity and polygamy (25.0 %), followed by gender division of labour (22.6 %), and financial issues (12.9 %). Many women identified that the violence occurred when they asked their husbands to seek work, avoid drinking alcohol, to not get angry with the children, or to not engage in an affair with another woman.³⁸

One domestic violence survivor described her experience as follows:

I asked him to look for a job. He replied that I should not harass or ask him to find work because he was aware of that. He said 'I know ten times [better] than you, and I understand it

³⁷ R Saraswati, *Perempuan dan Penyelesaian Kekerasan dalam Rumah Tangga* [Women and Solutions for Domestic Violence], PT. Citra Aditya Bakti, Bandung, 2006., p. 74; W Imawan, W Kusdiatmono, N Arniati, M Suanta & E Waryono, *Fasilitasi Penyusunan Data Kekerasan terhadap Perempuan di Daerah Tahun 2006* [National Statistics on Violence against Women 2006], Kementerian Negara dan Pemberdayaan Perempuan & Badan Pusat Statistik, Jakarta, 2006, p. 27

³⁸ Author's interview with S03 and S 17 in Makassar (04 and 25 March 2004 respectively); S18 (12 April 2004)

[the need of seeking employment], and you as a wife do not need to tell me about that. He also suggested that I was not clever enough to pass judgment on him [by making that suggestion].³⁹

Others stated that they are always at risk of abuse if they advanced an opinion or made comments during confrontations. The husband wishes them to keep silent and not challenge them. In such cases, violence is often used to end the argument. As Dobash and Dobash (1979) state, a man may believe that his wife should not engage in verbal confrontation with him and that the use of force is appropriate to end the dispute. Men consider that the use of violence is their right and privilege as the head of household.⁴⁰ In a later study, 'Violent Men and Violent Contexts', Dobash and Dobash (1998) suggest that men do not believe that their female partners have any right to argue, negotiate or discuss issues with them, particularly in a conflict situation because it threatens their power and authority. In such circumstances, men resort to violence either to end disputes or to silence women's voices.⁴¹

Furthermore, one survivor stated that although her husband never beats her, he often emotionally abuses her with displays of anger and annoyance and being reluctant to stay at home. These displays occur if the wife challenges him with respect his affair with another woman which he denies and which many people have witnessed. The survivor also tried to advise her husband that 'having a mistress is socially unacceptable and that he should be aware of such a mistake'.⁴² Such experiences indicate that challenging male power and

³⁹ Author's interview with S06 in Makassar (08 March 2004)

⁴⁰ Dobash & Dobash, 1979, *op.cit.*, pp.104-105

⁴¹ Dobash & Dobash, 1998, *op.cit.*, p. 153

⁴² Author's interview with S01 and S16 in Makassar (04 March and 14 April 2004 simultaneously)

authority is a common precursor to domestic violence in Makassar. Further, challenging a man's power and authority also includes advising men to adhere to religious and cultural values and norms, such as abstaining from alcohol, not having affairs and seeking employment, as well as responding to a man's anger or accusations during arguments. Women's attempts to 'guide' men or to negotiate with them seem to undermine men and threaten their designated position in the family ascribed by society.

Another factor contributing to domestic violence identified by survivors is infidelity either within marriage or hidden polygamy. This constitutes a form of psychological abuse for women because of their husband's lack of commitment to the marriage. Six of the domestic violence survivors interviewed asserted that they disliked their husbands having affairs when they had a legal wife and children. One woman who divorced her husband for this reason claimed: 'if he has a special girlfriend, it means that he does not love me anymore...I divorced him because I have a tendency to enjoy and improve my life, not to be beaten and dishonoured'.⁴³ Polygamy is also attributed to the prevalence of violence against women in Makassar. Women suffer significant emotional turmoil due to a husband's polygamy and they identified this issue more overtly and more frequently than any other reason as a contributing factor to domestic violence. Women's responses to polygamy can result in attempted immolation, other forms of violence such as hitting their husband and obstructing a husband's career opportunities. To illustrate this, one woman attempted to set fire to her husband after pouring gasoline over his body, and another pushed her husband down on the floor and stamped on him. Another survivor obstructed her husband's promotion to vice director of an Islamic institution by disclosing his hidden polygamy in a letter to his

⁴³ Author's interview with S18 in Makassar (12 April 2004)

employer.⁴⁴ These cases are examples of how women respond to domestic violence. Some respond in more extreme ways than others.

In addition, women may suffer financially. Five women provided different stories of economic abuse. One said that her husband restricts her spending on daily necessities.⁴⁵ Another revealed that she had never received any financial support from her husband because he has another wife.⁴⁶ Other women state that their husbands were often physically violent towards them, often beating or slapping them if they should ask for money.⁴⁷ These accounts indicate men's attempts to restrict women's access to or disposal of their financial resources. One can speculate that economic abuse is often related to financial difficulties experienced by the perpetrators.

Violence and arguments may also occur in the marital relationship with regards to the domestic division of labour including the question of how women carry out their domestic responsibilities. Wives are often chastised over numerous reasons such as a child's behaviour or child's injuries, women's cooking, going out without their husband's knowledge or asking for money. One abused woman related how her husband hit her because her child fell over. The husband accused her of failing to meet her child-caring responsibilities by saying, 'Why didn't you take care of your child?'⁴⁸ Furthermore, another woman noted that her husband became angry when she did not

⁴⁴ Author's interview with S 03, S07 and S 13 in Makassar (04, 09 and 15 March 2004 respectively)

⁴⁵ Author's interview with S 01 in Makassar (04 March 2004)

⁴⁶ Author's interview with S 03 in Makassar (04 March 2004)

⁴⁷ Author's interview with S 05 and S13 in Makassar (04 and 15 March 2004 respectively)

⁴⁸ Author's interview with S 01, S 02 and S10 in Makassar (04 and March 2004 simultaneously)

provide meals for him. He further commented that it was not difficult to cook rice which takes only a few minutes. The woman also felt aggrieved that her husband was not affectionate, had no time for her and never participated in raising the children.⁴⁹ For many abusive husbands, it is expected that cooking, raising and taking care of children constitute women's responsibilities. Physical and emotional violence are often used when women do not to comply with these prescribed roles or fail to undertake them in ways deemed appropriate by men. The dictum that women's place is in the home is still internalised within men's belief system.

Another issue contributing to violence in the home concerns a woman going out without her husband's consent. Two abused women reflected on their experiences. One affirmed that she is not allowed to go out without a reason, and relates this to her husband's jealousy. One day she went to a traditional market while her husband was away. Her sister in law told her husband, so both of them hit her. As a result, the woman received bruising to her left eye.⁵⁰ Another survivor also revealed that she has been beaten for going out.⁵¹ Although only a few women complained about this form of abuse, it is essential to consider that men's possessiveness contributes to abusive behaviour. These stories reflect men's attempts to isolate women and to limit their access to the outside environment because of possessiveness or jealousy.

The idea that alcohol consumption explains domestic violence is challenged in this study, due to the evidence that some intoxicated men never hit their wives. When violence does occur after drinking episode is usually if the wife asks 'where have you been?' or 'can you stop drinking?' The husband's responses to questioning include violence and threats

⁴⁹ Author's interview with S 09 in Makassar (13 March 2004)

⁵⁰ Author's interview with S 10 in Makassar (14 March 2004)

⁵¹ Author's interview with S 03 in Makassar (04 March 2004)

to kill her. So, the abuse is prompted not by chemical substances but by the wife's questioning him. One woman stated that her husband's violent attitudes and abuse were a way of problem solving for him.⁵²

Women survivor's experiences illustrate the distinctive features of domestic violence: single or multiple episodes of violence often occur in their lives. So, it is important that women survivors' voices and experiences be engaged in a wider context by acknowledging the experiences and observations of women activists, government officials and religious leaders. This will enrich the analysis of domestic violence in the Indonesian perspective.

C. Hadis Cocerns on Domestic Violence

The main question on exploring this issue is related to the Qur'anic verse (Q. 4: 34) which is understood to justify physical chastisement against a 'disobedient' wife. It is presumed that the physical abuse of a wife is a means of last resort to resolve marriage conflict after other educational or psychological actions such as giving advice or sleeping apart have been attempted. The Qur'anic text stipulates:

⁵² The survivor's voices are available at the beginning of this chapter.
Author's interview with S 01 in Makassar (04 March 2004)

...Righteous wives are devout [*qanitat*], and guard [*hafidhat*] what God would have them guard in their husbands' absence. If you fear high-handedness from your wives, remind them (of the teachings of God), then ignore them when you go to bed, then hit them [*wadribuhunna*]. If they obey you, you have no right to act against them: God is most high and great.⁵³

Two prescriptions of good women: obedient (*qanitat*) and guard the unseen (*ghayb*) as Allah has guarded. If a husband fears his wife's desertion (*nusyuz*), admonish her, and leave her alone in the bed and chastise them (*wadribuhunna*). There are two fundamental problems with this account concerning what a 'good wife' is and how the husband should act if his wife is not 'being good' or *nusyuz*: disloyal or rebellious. These two problems are interrelated because the definition of a good wife for one person may differ from that of another person, so that a justification for whether his wife is disloyal or not is personal, subjective and male-defined. A 'good woman' is described as *qanitat* and *hafidhat*.

The term *qanitat* has various interpretations. Al-Razi, for example, translates *qanitat* as women's obedience to Allah in which it is understood that good women obey Allah's commands.⁵⁴ Al-Zamakhsyari, however, interprets the term 'obedient' wife to mean that the wife must obey her husband.⁵⁵ Another prominent Qur'anic commentator, Abduh, points out that *qanitat* is translated into the wife's obedience to God as well as to husband 'for good purposes only'.⁵⁶ Abduh's argument

⁵³ Abdel Haleem, *op.cit.*, p. 54

⁵⁴ Al-Razi, *op.cit.*, vol.10, p. 91

⁵⁵ Al-Zamakhsyari, *op.cit.*, vol. I, p. 524

⁵⁶ Abduh, *op.cit.*, vol. 5, p. 70

should be interpreted in the contemporary context in which submission and obedience to a husband is limited to certain acts that do not contravene Islamic teachings such as performing religious practices, respecting others, and tolerance. These should be based on women's (wives) agreement, understanding and choice. This is important to highlight because every woman has a different interpretation of Islamic teaching which determines the choices they make. It should be emphasised that it is an individual's right to interpret the Qur'an, particularly specific terms that have no clear explanation in the Qur'an and the Prophetic traditions. Thus, to transform the Qur'anic term of *qanitat* in the contemporary social and cultural context, this term should be translated into two different aspects: 'obedience' to God, and respect for her husband, as the status of God and a husband is different. In Indonesia, at least in Makassar, very few women accept this view, and most women's perceptions and cultural preconceptions of the good woman seem to be predicated on al-Zamakhshari's argument that a wife must obey her husband.⁵⁷

The next question concerns how a husband can act in response to his wife's disloyalty (*nusyuz*) based on the Qur'anic text. The text explains that husbands who fear desertion (*nusyuz*), can admonish wives, withdraw from bed and chastise them (*wadribuhunna*). There are various interpretations of this verse, and explanations of certain terms follow. According to one Qur'anic commentator, Al-Qurtubi, *nusyuz* means that the wife has failed or is reluctant to obey her husband as God has commanded.⁵⁸ Al-Razi cites the well-known Islamic jurist, Imam Syafi'i, ascribing that there are two forms of *nusyuz*: verbal and behavioural. Thus, *nusyuz* can include a wife's failure to respond to a husband's call, or not listening to the husband's criticism by promising to do things as he wishes. Another way of *nusyuz* is through physical resistance which includes refusing

⁵⁷ Al-Zamakhshari, *op.cit.*, vol. I, p. 524

⁵⁸ Muhammad bin Ahmad al-Qurtubi, *Al-Jami' Li Ahkam al-Qur'an*, Vol.5, (n.d.), p. 170-171

to have sex with her husband or doing something against her husband's will.⁵⁹ These views illustrate that there are no clear guidelines to follow in establishing exactly when a wife should be considered 'rebellious or disloyal'. It depends on who defines the term as revealed from the commentators' examples which are certainly influenced by their social and cultural values and, as such, this is very subjective.

On the other hand, some Muslim scholars in Makassar offer progressive arguments with respect to the term *nusyuz*. One Muslim scholar, for instance, notes that *nusyuz* may refer to a wife's refusal to respond her husband's sexual needs, but religious teachings allow for the denial of sexual intimacy due to tiredness, for example. A wise, fair and just husband would accept his wife's circumstance and not force her to have sex even though he has this right as a husband, and the wife has also the right to refuse it.⁶⁰

Moreover, in an interview with a female religious scholar with respect to *nusyuz*, she argues that this term varies from one culture to another, depending on the individual or community perceptions and values. To illustrate this, some may believe that a married woman who talks to another man is considered as *nusyuz*, while others may not. So, the standard depends on individual and community beliefs and values.⁶¹ It is important to highlight that both husband and wife should have an agreement about what *nusyuz* means in the context of their marital relations to avoid serious conflict or what Wadud has called a 'disruption of marital harmony'.⁶² I prefer to describe *nusyuz* as the appearance of disagreement or conflict between husband and wife (marital conflict) as suggested by Wadud. If marital conflict is evident, according to the Qur'an, there are

⁵⁹ Al-Razi, *op.cit.*, vol. 10, p. 92

⁶⁰ Author's interview with a Religious scholar, RS 01 in Makassar (19 March 2004).

⁶¹ Author's interview with RS 03 in Makassar (18 March 2004)

⁶² Wadud, *op.cit.*, p. 74

three methods to redress it, namely 'intensive discussion' (*fa'idhubunna*); 'separate beds' (*fahjurubunna*); and 'chastisement' (*wadribubunna*).

The first solution is through 'intensive discussion' (*fa'idhubunna*). Discussion between husband and wife is important to allow the wife to provide her versions of events in line with the doctrine of *nusyuz*. The wife is also free to give reasons without being pressed or blamed, and her voice should be heard because the main purpose of this discussion is to resolve any conflict or disagreement. Although the literal meaning of the term *fa'idhubunna* is 'advise them (wives)', this can be understood as 'intensive discussion' because it offers women the chance to be actively involved in the resolution as well as empowering them. This understanding is also relevant to Wadud's concept of 'mutual consultation'⁶³ and Sayyid Qutb's concept of 'verbal solution', but Qutb insists that a verbal solution can be initiated by the couple or in the presence of arbiters.⁶⁴

However, these interpretations are quite different from classic commentators such as al-Qurtubi ascribing that the husband should advise his wife to fulfil her responsibilities to obey him as narrated in Prophetic traditions (*abadist*) from different resources (transmissions). Al-Qurtubi quotes the Prophet Muhammad's words 'If I would have ordered anyone to bow down to anyone I would have ordered a wife to bow down to her husband', in support of this view.⁶⁵ Al-Qurtubi's view clearly implies the importance of a wife's obedience to her husband, but ignores the fact that the Prophet's words are conditional in this respect. Moreover, if intensive discussion fails, further steps should be taken.

The second way to resolve marital conflict is through 'separate beds' (*fahjurubunna*) which is literally translated as

⁶³ *Ibid.*

⁶⁴ Sayyid Qutb, *Fi Dhilal al-Qur'an*, Vol. 2 (Egypt: Dar al-Syuruq, 1980), p. 653

⁶⁵ Al-Qurtubi, *op.cit.*, vol. 5, no. 3, p. 171

‘banish them to beds apart’.⁶⁶ The Qur’anic scholars (*mufassir*) have various interpretations of this term. Al-Qurtubi and al-Zamakhshari, for example, include the concept of ‘separate beds’ refusing to talk to the wife, sleeping apart from her and refusing to have sex with her.⁶⁷ The purpose of this kind of psychological pressure is that it expects husband and wife to resolve their marital problems and reflect the difficulty of their marriage without communication. This stage, according to Wadud, is called a ‘cooling-off period’.⁶⁸ If a second resolution is not reached, then the final resort should be taken, that is ‘chastisement’ (*wadribuhunna*).

The term *wadribuhunna* as the ultimate solution for resolving marital conflict and is interpreted through two approaches, literal and contextual. Literally, this term is understood to allow a husband to physically punish his wife within very limited circumstances. Most Islamic scholars and Muslim commentators uphold this view. For instance, Qutb argues that only light chastisement is permitted and this should not leave any physical mark because this is ‘un-Islamic’.⁶⁹ Another Quranic commentator, al-Qurtubi, translates this term as ‘educative punishment’ which means that husband is allowed to strike his wife when she does not comply with the first and second solution to redress marital conflict as previously described, but he should avoid violence. He elaborates his argument by quoting various *ahadist* which justify that the chastisement occurs only once, or involves the use of implements such as a ‘toothbrush’.⁷⁰ Similarly, al-Razi argues that physical punishment is a resort utilised in a situation of

⁶⁶ Wadud, *op.cit.*, p. 75

⁶⁷ Al-Qurtubi, *op.cit.*, vol. 5, no. 3, pp. 171-172; al-Zamakhshari, *op.cit.*, vol. I, p. 524

⁶⁸ Wadud, *op.cit.*, p. 76

⁶⁹ Qutb, *op.cit.*, p. 653

⁷⁰ Al-Qurtubi, *op.cit.*, vol. 5, no.3, p. 172.

crisis and a husband should first attempt to persuade his wife to halt the *nusyuz* by applying other methods. He refers to another Muslim scholar, Imam Syafi'i, who argues that physical punishment is allowed but prevention is preferred. Al-Razi also quotes the Prophet's companions' views in relation to methods of physical punishment: in order to avoid hurting the wife, items such as using handkerchiefs could be used, but items of physical punishment such as whips are forbidden.⁷¹

These Qur'anic commentators agree that physical violence should be avoided, but beating is permitted if men refrain from brutality by using toothbrushes or handkerchiefs. This constitutes symbolic chastisement. Such an approach is no doubt due to the commentators' literal understanding of the Qur'anic texts as well as the influence of their local cultural location, practices and attitudes. The Qur'an was initially revealed in Arab society when patriarchal practices were very strong and systematic. Women in many instances had few legal, social and political rights. Physical chastisement of wives was also a common way to discipline a 'disobedient wife' within this community regardless of the perpetrator's social stratification or religious background. Thus, domestic violence was considered permissible and justifiable.⁷² This strong cultural practice of wife abuse undoubtedly influenced the Qur'anic scholars' connection of arguments permitting domestic violence to *abadist* or other methodological approaches in understanding Islamic teachings, including personal reasoning (*ijtihad*) from the prophet Muhammad's companions (*sahabat*), which can represent specific personal, social and cultural settings. It is clear that commentators who interpret the term *wadribuhunna* (punish wives) textually, generally use Qur'anic sources to allow wife beating within very limited circumstances.

This interpretation is widely shared by hierarchical gender-minded Muslim scholars both male and female, intentionally or accidentally. Indonesian Qur'anic scholars like

⁷¹ Al-Razi, *op.cit.*, vol. 10, p. 93

⁷² Engineer, *op.cit.*, p. 55

Shihab share similar views in perceiving that the term *wadribuhunna* is understood to mean that a husband can beat his wife within certain conditions which limit chastisement to that which results in no physical harm. Shihab insists that beating should only be an act of last resort resulting in situations in which intensive discussion and separate beds have failed to resolve marital conflict. He also notes that beating is not an appropriate solution among well-educated husbands in contemporary society.⁷³ However, male and female Muslim scholars from Makassar whom I interviewed did not offer a radically different understanding from that of classical Qur'anic commentators. The crux of their view is that chastising a disloyal wife should only be used as a last resort and should not leave any physical marks.⁷⁴ Intensive discussion and separation are preferable to resolve marriage conflict, and physical discipline without bodily injury is acceptable, because to cause injury is contrary to Islamic teachings.

This restriction on chastisement as physical punishment, however, is apparently often understood differently for some Muslims, particularly abused women. They believe that Islam entitles a husband to beat his wife if she does not fulfil her wifely roles and responsibilities or if she fails to submit to his will. Some women assert that it is justifiable to beat or even to murder a wife who is unfaithful, as one survivor of domestic violence stated: 'a husband is allowed to beat or even kill his wife if she is unfaithful'.⁷⁵ Another survivor asserted: 'a husband can beat his wife if she really made mistakes like infidelity, or was reluctant in providing food and clothing for her husband'.⁷⁶ These accounts demonstrate that women believe a husband is entitled to physically punish his wife for infidelity or failure to

⁷³ Shihab, *op.cit.*, p. 411

⁷⁴ Author's interview with RS 01,02 and 03 in Makassar (19,18 March and 8 April 2004 respectively)

⁷⁵ Author's interview with S 01 in Makassar (04 March 2004)

⁷⁶ Author's interview with S 05 in Makassar (04 March 2004)

take care of his needs. Other reasons for wife beating, according to a survivor of domestic violence, include wrongdoings such as 'ignoring her husband's good requests'.⁷⁷ These women's accounts reflect the interconnection between textual understandings of the Qur'an and women's beliefs which result from social and cultural constructions. Sadly, these women tend to accept men's violence against women.

However, contextual approach can be used to interpret the Qur'an or Islamic texts in order to challenge patriarchal conspiracies as well as to allow gender justice. Some Muslim scholars including Muslim feminists argue the term *wadribuhunna* must be contextualized in the context of modern and global society because this is more relevant to the underlying message of Islam and more appropriate to human rights and gender equality. A progressive Qur'anic commentator, Abduh, for example, asserts this term should be translated in other meanings (*ta'wil*) rather than physical chastisement as mostly translated by traditional scholars for a number of reasons. Firstly, the main principle of marriage in Islam is to achieve a happy and harmonious family (*mawaddah wa rahmah*), and both husband and wife should be cooperative. Love and mutual respect are important in achieving this aim. Secondly, Islam teaches men (husbands) to be respectful, affectionate, wise and kind towards their wives, and discourages violent behaviour. Abduh cites various *ahadist* which contend that 'it is shameful if a husband chastises his wife as he chastises his slave in the morning, then lies with her in the evening', and 'a husband who never beats his wife is the best'.⁷⁸ In this context, Abduh rejects the classical interpretation of the term *wadribuhunna* as beating, but in suggesting that there should be a different interpretation, fails to provide it. At least he has generated a new paradigm of Qur'anic interpretation in an era where traditional and exclusive interpretations of the Qur'an have been so persistent. It can also be understood from Abduh's rejection that the use of

⁷⁷ Author's interview with S 04 in Makassar (04 March 2004)

⁷⁸ Abduh, *op. cit.*, vol. 5, p. 75

violence indicates men's weaknesses rather than their strengths, as they have failed to communicate effectively or to resolve differences with their partners.

Similarly, Muslim feminists such as Engineer and Wadud disagree with the classical understanding of the term *wadribuhunna* as beating or physical punishment, but they do not clearly define an alternative meaning to this term. Rather, they highlight various arguments from selective materials of the Qur'anic commentary to elaborate that physical punishment is not intended in the Qur'an.⁷⁹ Conversely, some Muslim scholars have offered other interpretations of the term *wadribuhunna*, citing its original form *daraba*.⁸⁰ Rather than beating, they advocate sexual intercourse. An Indonesian Muslim intellectual, Nasaruddin Umar (2002), argues that the term should be translated as sexual intercourse as this term encompasses different meanings including 'mixing up something' and 'travelling'.⁸¹ Similarly, Ahmad Ali of Pakistan, quoted in Engineer, supports Umar's view.⁸² Umar also suggests that the lexical translation of *wadribuhunna* into physical chastisement is incompatible with the purpose of marriage in Islam which is to build a happy and harmonious family.⁸³ Rather, the three ways that a husband can resolve marriage conflicts, consist of discussion, followed by taking separate beds, and finally having sex.

I would argue that although the word *daraba* can be translated into sexual intercourse, it is logically unacceptable within this context for two reasons. Firstly, this understanding is contrary to the second solution of taking 'separate beds'

⁷⁹ Engineer, *op.cit.*, pp. 45-58; Wadud, *op.cit.*, pp. 74-78

⁸⁰ *Daraba* is as original form of *wadribuhunna*. These terms may be used interchangeably.

⁸¹ Nasaruddin Umar, 'Kekerasan dan Kekuasaan', *Jurnal Demokrasi dan HAM*, vol. 2, no. 1, May 2002, p. 59

⁸² Engineer, *op.cit.*, p. 54

⁸³ Umar (Kekerasan...), *loc.cit.*

which requires abstaining from sexual intercourse. If this second form of resolution disallows sex, it does not make sense that the third suggestion would be to reinstate sexual relations. The second reason for rejecting the translation of *wadribuhunna* as sexual intercourse concerns the wife's emotions. If the wife is angry and disagrees with her husband's suggested solution, how can she enjoy having sex in such circumstances? If the husband forces his wife to do so then this constitutes marital rape, that is, sexual intimacy without her consent. The rationale would seem to be that sexual intercourse encourages the wife to reconcile. In rejecting the translation of sexual intercourse, I would offer a new way of interpreting the term *daraba*.

The term *daraba* should be understood by 'making a decision', even though this translation has been realised neither in male Qur'anic commentators nor in feminist Muslim thinkers. I initiate such a translation for the following reasons. Firstly, according to a famous Arabic dictionary, *Lisan al 'Arab*, the word *daraba* lexically has various meanings, including: (i) *safara* (travel) e.g. *idza darabtum fi al-ardhi* / you travel in the world; (ii) *nakaha* (sexual intercourse) e.g. *daraba al-fahl al-naqah* / the male camel has sexual intercourse with the female one; (iii) *kaffa* (split up) e.g. *darabtu fulanan 'an fulanin* / e.g. I split up two people who were in conflict; (iv) *aqama* (decide) e.g. *adraba al-rajulu fi al-bait* / someone makes a decision to stay home; (v) *qada* (makes a decision) e.g. *fadaraba al-dabru darbanibi* / the decision has been made. It is also said that *daraba* is often used to mean *ba'ada* (disintegrate/separate) in the context of *daraba al-dabru bainan* / time has separated us.⁸⁴ In line with these different usages of the term *daraba*, I prefer to translate it as *qada* (v) to indicate that a husband can make a decision to initiate divorce rather than legitimise physical punishment. The husband makes a decision in terms of exercising a choice to divorce if his wife still refuses to reconcile once intensive discussion and physical separation fail. At this stage, a private attempt between the two parties to resolve conflict is suggested

⁸⁴ Jamaluddin Muhammad ibn Mukrim bin Manzhur, *Lisan al-'Arab*, Vol. I, (Beirut: Dar al-Nasyr, n.d.), p. 543-551

in the Qur'anic verse (Q. 4: 34) rather than resorting to external mediation.

However, Qutb and Shihab argue that external intervention is needed at a different stage. Qutb argues intervention from arbiters (mediators) at the first stage (verbal solution) is necessary when the parties private attempts to resolve conflict are unsuccessful.⁸⁵ Others note that external intervention is required at the final stage. This means that external agencies, particularly from government bodies have the power to punish a non-compliant wife as the last resort, but it is not the husband's responsibility.⁸⁶ However, it is difficult to accept advocates of the involvement from outsiders who argue it is sanctioned in the verse (Q. 4: 34) because the next verse (Q. 4: 35) offers alternative ways to resolve marital conflict, including seeking external intervention, particularly in the form of mediators for both parties. So, the direction to engage in intensive discussion, take separate beds, or for a husband to initiate divorce resided in the verse (Q. 4: 34). Only where these fail, should they seek external intervention from others such as family members, community elders, religious leaders or other related agencies as suggested in the verse (Q. 4: 35). If none of these efforts succeed, the husband can file for divorce by applying to the relevant institutions.

Secondly, it is important to challenge the translation of the term *daraba* as physical chastisement by considering the Prophetic traditions (*ahadist*) as follows:

1. "Do not strike your wife as if she were a slave, would you strike her and then at the end of the day you sleep with her".⁸⁷

⁸⁵ Qutb, *op.cit.*, vol. 2, p. 653

⁸⁶ Shihab, *op.cit.*, p. 411

⁸⁷ This hadis can be found in various hadis Books such as *Shahih Bukhari, Kitab Nikah (93) and Kitab Tafsir al-Surah (91)*; *Shahih Muslim, Kitab Jinnah (49)*; *Sunan Turmudzi, Tafsir Surah (91)*; *Sunan Ibnu Majah, Kitab Nikah (51)*; *Sunan ad-Darimi, Kitab Nikah (34)*; *Musnad Ahmad bin Hambal juz IV, p. 17*; *Musannaf Abdur Razak, Juz VII*

2. Aishah narrated that the Prophet Muhammad never struck a woman or a servant with his hand. He only raised his hand in jihad's for Allah's cause.⁸⁸
3. "The best among you (men) is if you treat your wife well (not struck them)".⁸⁹

Also, as described by Abduh⁹⁰, that praise a husband who can control his emotions and not use physical violence against women. There are different ways of understanding *abadist*. Among these are local and global approaches. I emphasise that those *abadist* contending appreciation for non-violent husbands should be understood in a global context because these are more relevant to current global views with respect to human rights including women's rights, and more importantly relevant to Islamic teachings, particularly those which advocate marriage based on love and respect. Thus, I prefer to adopt a contextual method in elaborating these *abadist*, because this requires an interpretation of the verse (Q. 4: 34) which acknowledges gender equality.

However, a local approach should also be used to interpret those *abadist* which emphasise physical chastisement against wife. These Prophetic traditions actually represent the historical cultural and social values of Arab society at a time when physical punishment was considered an appropriate form of discipline. The continuation of a wife beating ideology forms part of a patriarchal conspiracy perpetuated through religious interpretations. In this context, Engineer acknowledges that the Arab community was habituated to the use of physical

⁸⁸ This hadis was transmitted with various texts dan can be found in: Sunan Abu Dawud, Kitab Adab (4); Sunan Ibnu Majah, Kitab Nikah (51); Musnad Ahmad bin Hambal, Vol. VI, p. 32, 206, 229, 232, 281; Sunan ad-Darimi, Kitab Nikah (34);

⁸⁹ Sunan Turmudzi, Kitab Radha' (11); Sunan Ibnu Majah, Kitab Nikah (50); Musnad Ahmad bin Hambal, Vol. II, p. 472

⁹⁰ Informative explanations of these *abadist* can be found in Abduh, *op.cit.*, vol. 5, p. 75-76

punishment of wives, and this symbolised male domination.⁹¹ The historical Arabic cultural certainties, therefore, cannot be applied globally to other cultures, particularly to those against the use of violence to resolve conflict, such as in contemporary society in which community members as well as governments tirelessly campaign to free women from any form of violence.

The final reason for translating the term *daraba* as 'making a decision to initiate divorce' rather than using physical chastisement is guided by Abduh's proposal of another interpretation (*ta'wil*) for the term *wadribuhunna*. Abduh rejects an interpretation of *wadribuhunna* as physical punishment commonly used in his era. According to Abduh, it is inconsistent with both the fundamental Islamic teachings of the purpose of marriage and those *ahadist* which privilege respectful and tolerant husbands.⁹² The idea of looking for another interpretation (*ta'wil*) offers a new paradigm for every Muslim scholar, regardless of their gender, to discuss the relevance of the Qur'anic text to the contemporary social context. As a female Muslim, I attempt to be directly involved in interpreting the Qur'an to empower women. This requires a continual process of self critique, rather than being dependent morally and intellectually on male scholars or men in general as suggested by Barazangi. Muslim women, according to Barazangi, are not recognised as autonomous moral and rational beings as intended in the Qur'an. To be independent on these accounts, Muslim women should take part in interpreting the Qur'an as well as in decision-making because women also have the responsibility to act as trustees as men do.⁹³ The Qur'anic concepts of men's guardianship or leadership of women and domestic violence rely on interpretative traditions. The progressive interpretation asserts that both men and women can be *qanwamun* or as protectors,

⁹¹ Engineer, *op.cit.*, pp. 55-56

⁹² Abduh, *op. cit.*, vol. 5, p. 75

⁹³ Barazangi, *op.cit.*, p. 115

maintainers or leaders if they have capacities and resources, including from inheritances or other financial resources and if they support their family using these resources. Existing interpretations that allow wife beating must be redefined from a gender perspective. Making a decision to initiate divorce instead of using violence is relevant to the essence of Islamic teachings, and to human rights concerns.

D. Conclusion

Domestic violence is found in Indonesia, factors contributing to domestic violence are challenging men's power and authority which include advising men to adhere to religious and cultural values and norms such as abstaining from alcohol, not having affairs, seeking employment, responding to a man's anger or accusation during an argument. Women's attempt to guide men or to negotiate with them seem to undermine men and threaten their designated position in the family ascribed by society. Other factors are infidelity in marriage and polygamy, gender division of labour, financial issues and alcohol. Domestic violence is not justifiable even in the Qur'an.

The textual interpretation of the verse (Q. 4: 34) is no longer relevant to the contemporary society due to its contrary to Islamic teachings, particularly those which advocate marriage based on love and respect. As Prophetic traditions (*ahadist*) support and appreciate non-violent husbands. It is, therefore, necessary to reread the term *wadhribuhunna* with 'making a decision' based on language, the verse connection (*munasabah ayat*) and hadist considerations. If a wife continues to be '*nusyuz*' after the first and the second resolution fails, the husband is encouraged to make decision whether he continues the marriage or telling his wife that marriage must be stopped.

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